

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 13, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEPHEN R. JACKSON, SR.,

Petitioner,

v.

NATHAN UNLORN (JAIL
COMMANDER ASOTIN COUNTY
JAIL),

Respondent.

NO: 2:24-CV-0350-TOR

ORDER DENYING MOTIONS

By Order filed November 6, 2024, the Court advised Petitioner, a pre-trial detainee at the Asotin County Jail, of the deficiencies of his *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and directed him to amend by January 8, 2025. ECF No. 10. Specifically, the Court noted Petitioner had failed to demonstrate that federal intervention in his state criminal proceedings would be appropriate under *Younger v Harris*, 401 U.S. 37, 45 (1971). *See* ECF No. 10 at 4–6.

1 Petitioner was granted leave to proceed *in forma pauperis*. *Id.* at 9. The
2 Court did not direct that the petition be served on Respondent, yet on November 5,
3 2024, Attorney Michael E McFarland, Jr., filed a Notice of Appearance. ECF No.
4 9. Attorney McFarland then filed a Motion to Withdraw, and the Court granted his
5 Motion on November 13, 2024, terminating Attorney McFarland from this matter.
6 *See* ECF Nos. 12 and 17.

7 On November 12, 2024, Petitioner filed an “‘Emergency’ Motion to Release
8 Petitioner from Confinement (Jail) Custody-Under Own Recognize-Order of
9 Release,” ECF No. 14; an “‘Emergency Motion and Order to Stay Proceedings,”
10 ECF No. 15; and “Supplemental Case Law and Violation of Due Process Amended
11 Grounds,” ECF No. 16. On November 14, 2024, Petitioner filed a “Motion to
12 Reconsider,” ECF No 18, asking the Court to reconsider the dismissal of his Motions
13 to “Summary (Summarize) Judgment,” ECF No. 7, and to “Expedite Proceedings
14 and Petition,” ECF No. 8. The next day, Petitioner filed another “Motion to
15 Reconsider,” asking the Court to “reconsider and grant” his “MOTION TO AMEND
16 – Habeas Corpus to include TORT CLAIM for (Constitutional Violation(s) Brady
17 Violation(s) and DAMAGES against the Defendant(s).” ECF No. 19 (as written in
18 original).

19 On November 25, 2024, Petitioner filed a Motion and Order to
20 Sanction/Dismissal of All Charges “Emergency,” in which he notified the Court that

1 he was convicted in state court on November 21, 2024, of five counts of burglary
2 and one count of criminal trespass. ECF No. 20 at 1–2. He also filed a First
3 Amended Petition, ECF No. 21. On December 5, 2024, Petitioner filed an unsigned
4 supplemental document, ECF No. 22. Petitioner’s Motions were considered without
5 oral argument on the date signed below.

6 Where a final judgment has not been entered, the Court has discretion to
7 reconsider under Rule 54(b), which allows courts to revise “any order or other
8 decision, however designated, that adjudicates fewer than all the claims or the rights
9 and liabilities of fewer than all the parties . . . before the entry of a judgment”
10 Fed. R. Civ. P. 54(b); *Los Angeles v. Santa Monica Baykeeper*, 254 F.3d 882, 887
11 (9th Cir. 2001). Additionally, the Court has inherent common-law authority “to
12 rescind an interlocutory order over which it has jurisdiction.” *Id.* While both Rule
13 54(b) and the common law provide distinct authority under which a court may
14 reconsider its rulings, the analysis under both appears to be the same. *Motorola, Inc.*
15 *v. J.B. Rodgers Mech. Contractors*, 215 F.R.D. 581, 583 (D. Ariz. 2003).

16 Here, a final judgment has not been entered; thus, Rule 54(b) or the common
17 law is the applicable authority. As a rule, a court should be loath to revisit its own
18 decisions in the absence of extraordinary circumstances such as where the initial
19 decision was “clearly erroneous and would work a manifest injustice.” *Christianson*
20 *v. Colt Indus. Operating Corp.*, 486 U.S. 800, 817 (1988). Nonetheless, whether to

1 grant a motion for reconsideration is within the sound discretion of the court. *Navajo*
2 *Nation v. Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046
3 (9th Cir. 2003). Here, Petitioner fails to show that the Court erred in its prior rulings
4 concerning his Motions. Therefore, the Motions to Reconsider, ECF No. 18 and 19,
5 are denied.

6 Petitioner seeks his release on his own recognizance pending resolution of this
7 habeas corpus proceeding. ECF No. 14. He also asks this Court to “stay (all)
8 proceedings in the Asotin County Superior Court Case: No: 23-1-00078-02.” ECF
9 No. 15 at 1. In addition, he asks this Court to dismiss all of his state court criminal
10 charges. ECF No. 20. Petitioner should be mindful that the filing of a federal habeas
11 corpus action alone does not preclude the continuation of ongoing state criminal
12 proceedings.

13 For the reasons set forth in the Court’s Order directing Petitioner to amend
14 and denying his prior Motions, ECF No. 10, Petitioner’s present Motions, ECF Nos.
15 14, 15, and 20, are denied. Any constitutional challenges, including due process,
16 speedy trial, and excessive bail claims, can be adequately litigated in the Asotin
17 County Superior Court, through the state appellate system, and then, if necessary,
18 through subsequent state and federal habeas corpus proceedings.

19 Accordingly, **IT IS ORDERED:**

20 (1) Petitioner’s “‘Emergency’ Motion to Release Petitioner from

1 Confinement (Jail) Custody-Under Own Recognize-Order of Release,”

2 **ECF No. 14, is DENIED.**

3 (2) Petitioner’s “Emergency Motion and Order to Stay Proceedings,” ECF

4 **No. 15, is DENIED.**

5 (3) Petitioner’s Motion to Reconsider, **ECF No. 18, is DENIED.**

6 (4) Petitioner’s Motion to Reconsider, **ECF No. 19, is DENIED.**

7 (5) Petitioner’s Motion and Order to Sanction/Dismissal of All Charges

8 “Emergency,” **ECF No. 20, is DENIED.**

9 The Clerk of Court is directed to enter this Order and provide a copy to
10 Petitioner.

11 **DATED** December 13, 2024.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge